

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE MARTINEZ-PENA

Defendant.

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8:16CR142

ORDER

This matter is before the court on the motion to continue by defendant Jose Martinez-Pena (Martinez-Pena) (Filing No. 47). Martinez-Pena seeks a continuance of the trial of this matter was scheduled for August 15, 2016. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Martinez-Pena's motion to continue trial (Filing No. 47) is granted.
2. Trial of this matter is re-scheduled for **September 12, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 10, 2016, and September 12, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 10th day of August, 2016.

BY THE COURT:
s/ Thomas D. Thalken

United States Magistrate Judge